

SEP 10 2014

US DISTRICT COURT
WESTERN DISTRICT OF NC

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:13cr204-1-MOC

UNITED STATES OF AMERICA)
))
v.)
))
BOGGS PAVING, INC.)
))
_____)

ENTRY AND
ACCEPTANCE OF GUILTY PLEA
(RULE 11 PROCEEDING)

On the date indicated below, the defendant appeared with counsel, was duly sworn, and answered the following questions on the record:

Questions (asked by Magistrate Judge)

Defendant's Answers

1. Do you understand that you are under oath, and that you are required to give truthful answers to the questions I am about to ask?

Yes (✓) No ()

2. Do you understand that if you give false information under oath you may be prosecuted for perjury or false statement?

Yes (✓) No ()

3. Do you understand that you are here today to enter a guilty plea on behalf of Boggs Paving, Inc. which cannot later be withdrawn?

Yes (✓) No ()

4. Have you been authorized by a corporate Resolution of the Board of Directors to act as the representative for the corporation for the purpose of this Rule 11 hearing?

Yes (✓) No ()

5. On behalf of Boggs Paving, Inc., have you reviewed the bill of indictment and the ~~plea agreement~~ in this case with the Board of Directors of the corporation?

Yes (✓) No ()

6. From my examination of the ~~plea~~ ^{case} agreement, I am advised that Boggs Paving, Inc. is pleading guilty to count one as contained in the bill of indictment. Is that correct?

Yes (✓) No ()

7. Have you discussed this plea with the Board of Directors of Boggs Paving, Inc. and do they agree to this plea of guilty by Boggs Paving, Inc.?

Yes (☒) No (☐)

8. Do you understand that you have the right to have a U.S. District Judge conduct this proceeding?

Yes (☒) No (☐)

9. Recognizing your right to proceed before a District Judge, do you expressly consent to proceed in this Court, that is, before a U.S. Magistrate Judge?

Yes (☒) No (☐)

10. Are you now under the influence of alcohol, medicines, or drugs of any sort?

Yes (☐) No (☒)

11. Is your mind clear, and do you understand that you are here to enter a guilty plea in your case?

Yes (☒) No (☐)

12. Have you received a copy of the indictment/information and have you discussed its contents with your attorney?

Yes (☒) No (☐)

[The charges, maximum penalties, and mandatory minimum sentences (if any) were explained, on the record, at this point in the proceeding.]

13. Do you fully understand the charge(s) against you, including the maximum (and, where applicable, minimum) penalties you face if convicted?

Yes (☒) No (☐)

14. Have you spoken with your attorney about how the U. S. Sentencing Guidelines might apply to your case?

Yes (☒) No (☐)

15. Do you understand that the District Judge will not be able to determine the applicable Sentencing Guidelines range until after your Presentence Report has been prepared, and you have had an opportunity to comment on it?

Yes (☒) No (☐)

16. Do you also understand that in some circumstances you may receive a sentence that is different—that is, either higher or lower—than that called for by the Guidelines?

Yes (✓)

No ()

17. Do you understand that the Court may order restitution, where applicable?

Yes (✓)

No ()

18. Do you understand that if the sentence is more severe than you expected, or the Court does not accept the government's sentencing recommendation, you will still be bound by your plea and will have no right to withdraw it?

Yes (✓)

No ()

19. Do you understand that you have a right to plead NOT GUILTY, to have a speedy trial before a judge and jury, to summons witnesses to testify in your behalf, and to confront witnesses against you?

Yes (✓)

No ()

20. If you exercised your right to trial you would be entitled to the assistance of a lawyer, would not be required to testify, would be presumed innocent, and the burden would be on the government to prove your guilt beyond a reasonable doubt. Do you understand all of these rights?

Yes (✓)

No ()

21. By entering this plea of guilty you are waiving (or giving up) these rights. There will be no trial. If your guilty plea is accepted, there will be one more hearing, where the District Judge will determine what sentence to impose. Do you understand that?

Yes (✓)

No ()

22. Are you, in fact, guilty of the counts in the Bill of Indictment (or Bill of Information) to which you have come to court today to plead guilty?

Yes (✓)

No ()

[There is no written plea agreement in this case. Are there any terms or conditions of the plea that should be put on the record at this time?]

yes () NO (✓)

23. Are you aware that a Factual Basis has been filed as an attachment to your Plea Agreement? Yes (☒) No (☐)

24. Have you read this Factual Basis and do you understand it and agree with it? Yes (☒) No (☐)

25. Has anyone threatened, intimidated, or forced you to enter your guilty plea today? Yes (☐) No (☒)

26. ~~Other than the terms of your Plea Agreement~~, has anyone made you promises of leniency or a light sentence to induce you to plead guilty? Yes (☐) No (☒)

27. Have you had enough time to discuss with your attorney any possible defenses you may have to these charges? Yes (☒) No (☐)

28. Are you satisfied with the services of your attorney in this case? Yes (☒) No (☐)

29. Is there anything you would like to say at this time about the services of your attorney? Yes (☐) No (☒)

[Any statement that was made is on the record.]

30. Have you heard and understood all parts of this proceeding, and do you still wish to plead guilty? Yes (☒) No (☐)

31. Do you have any questions or statements you would like to make at this time? Yes (☐) No (☒)

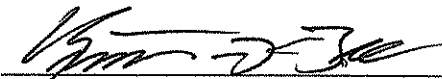
[Any statement that was made is on the record.]

32. Counsel, have you reviewed with the Defendant the consequences of this plea, and are you satisfied that the Defendant understands those terms? Yes (☒) No (☐)

[Any statement that was made is on the
record.]

ON ADVICE AND IN THE PRESENCE OF COUNSEL, THE DEFENDANT
CONSENTS TO THE ACCEPTANCE OF HIS/HER GUILTY PLEA BY A
MAGISTRATE JUDGE. BY SIGNING BELOW, THE DEFENDANT (AND COUNSEL)
AFFIRM THAT THE ANSWERS GIVEN DURING THIS PROCEEDING ARE TRUE
AND COMPLETE TO THE BEST OF THEIR KNOWLEDGE.


Defendant's Signature


Counsel's Signature

Based upon the representations and answers given by the defendant (and counsel) in this proceeding, the Court finds that the defendant's plea is knowingly and voluntarily made; and that the defendant understands the charges, potential penalties, and consequences of his (her) plea. Accordingly, the defendant's plea is hereby accepted. The Court further finds that there is a factual basis for the plea.

SO ORDERED, this 10th day of September, 2014


United States Magistrate Judge